

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**TAMPLA MOORE AND
JOHNNY MOORE, SR.,**

Plaintiff,

v.

**WAL-MART STORES, INC. and
WAL-MART STORES EAST, L.P.**

Defendants.

No. _____

JURY DEMANDED

NOTICE OF REMOVAL

Comes now the Defendant, Wal-Mart Stores East, L.P., incorrectly styled as Wal-Mart Stores, Inc., by and through the undersigned counsel, and hereby notify the Judges of the United States District Court for the Western District of Tennessee, Western Division, the Clerk of the Circuit Court of Shelby County, Tennessee, and the Plaintiffs, TAMPLA MOORE and JOHNNY MOORE, SR., that the action described herein and filed in the Circuit Court of Shelby County, Tennessee is removed to the United States District Court for the Western District of Tennessee, Western Division pursuant to 28 U.S.C. § 1441.

1. On May 31, 2017, Plaintiffs, TAMPLA MOORE and JOHNNY MOORE, SR. filed a civil action against Defendant in the Circuit Court of Shelby County, Tennessee bearing civil action No. CT-002370-17. Service of the Complaint and Summons was made upon the Defendant through its registered agent CT Corporation System, by certified mail on June 14, 2017.

2. Plaintiffs filed this premises liability action based upon an incident that occurred in Shelby County, Tennessee on June 11, 2016.

3. Defendant seeks removal of this action to this Court pursuant to 28 U.S.C. § 1332, upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of the interest and costs. See 28 U.S.C. § 1332. Specifically, Plaintiff's Complaint demands compensatory damages in the amount of \$250,000.00. (See Complaint, p. 5).

4. Plaintiffs, TAMPLA MOORE and JOHNNY MOORE, SR. are residents and citizens of Shelby County, Tennessee and was a citizen of the State of Tennessee at the time of the filing of this action and at the time of removal.

5. Defendant WAL-MART STORES EAST, L.P., is a Delaware limited partnership with its principle place of business in Bentonville, Arkansas. For purposes of determining citizenship under 28 U.S.C. § 1332(c)(1), a limited partnership is deemed to be a citizen of every state where its general and limited partners reside. See Hooper v. Wolfe, 396 F.3d 744, 748 (6th Cir. 2005) (citing Carden v. Arkoma Assocs., 494 U.S. 185, 195–96, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990)).

6. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

7. This notice is filed within the time prescribed by 28 U.S.C. § 1446(b).

8. A copy of the Summons and Complaint, being all the papers served upon the Defendant, are attached as Exhibits hereto.

WHEREFORE, Notice is hereby given that the said civil action No. CT-002370-17 is removed from the Circuit Court of Shelby County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

By: s/Russell E. Reviere
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*Attorneys for Defendant
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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this pleading or document was served upon counsel for each of the parties by mailing postage prepaid, by delivery to the person or office of such counsel, or by electronic means, as follows:

Bobby F. Martin, Jr.
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This the 11th day of July, 2017.

s/Russell E. Reviere